

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIC C. STONEBRAKER,

Plaintiff,

vs.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

Case No.: 2:16-cv-02078-GMN-GWF

ORDER

Pending before the Court is the Report and Recommendation of the Honorable United States Magistrate Judge George W. Foley, (ECF No. 28), which states that Plaintiff's Motion for Reversal or Remand, (ECF No. 20), should be granted, and that Defendant's Cross-Motion to Affirm, (ECF No. 23), should be denied. Judge Foley further recommends that this matter be remanded to the Social Security Administration with instructions to calculate and pay disability benefits to Plaintiff.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a de novo determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See, e.g., United States v. Reyna-Tapia*, 328 F.3d 1114,

1 1122 (9th Cir. 2003).

2 Here, no objections were filed, and the deadline to do so has passed.

3 Accordingly,

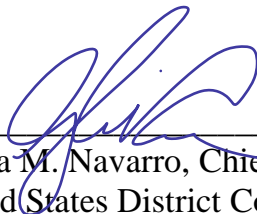
4 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 28), is
5 **ACCEPTED and ADOPTED** in full.

6 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Reversal or Remand, (ECF
7 No. 20), is **GRANTED**.

8 **IT IS FURTHER ORDERED** that Defendant's Cross-Motion to Affirm, (ECF No.
9 23), is **DENIED**.

10 **IT IS FURTHER ORDERED** that this matter is remanded to the Social Security
11 Administration with instructions to calculate and pay disability benefits to Plaintiff.

12 **DATED** this 26 day of July, 2019.

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16 Gloria M. Navarro, Chief Judge
17 United States District Court
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